

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TENNESSEE
DIVISION

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Timothy Murley #317623,

_____,

_____,

_____,

Plaintiff(s),

Vs.

1) Robert D. Preston (HSA),
2) Melissa Breitling (Doctor),
3) Tracey Howell (medical staff),
4) C.C.A. (Corporate office),

Respondents.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

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Docket/Complaint No. _____

AUG 10 2011 JURY TRIAL
CLERK, U.S. DIST. COURT
WESTERN DIST. OF TENNESSEE
REMANDED

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
UNDER 42 U.S.C. §1983**

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No ()

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit on another piece of paper, using the same outline.)

Plaintiff(s) _____

Defendant(s) _____

2. Court [if federal court, name the district; if state court, name the county] _____
3. Docket number: _____
4. Name of judge to whom case was assigned: _____
5. Disposition [for example: was the case dismissed? Was it appealed? Is it still pending?] _____
6. Approximate date of filing lawsuit: _____
7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT:

Whiteville Correctional Facility
1440 Union Springs Road
PO Box 679
Whiteville, TN 38075

- A. Is there a prisoner grievance procedure in this institution? Yes (✓) No ()
- B. Did you present the facts relating to your Complaint in the state prisoner grievance procedure? Yes (✓) No ()
- C. If your answer is yes,
 1. What steps did you take? Followed grievance procedures as set forth on grievance form.
 2. What was the result? Returned - deemed inappropriate per rdoc/jwcea policy 501.01/no multiple issues 501.01.VI.C-1

D. If your answer is "no" explain why not: _____

E. If there is no prisoner grievance procedure in the institution, did you complain to prison
authorities? Yes () No ()

F. If your answer is yes,
1. What steps did you take? _____

2. What was the result? _____

III. PARTIES:

[In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.]

A. Name of Plaintiff(s): Timothy Murley #317623

Address: Whiteville Correctional Facility
1440 Union Springs Road - Whiteville, NC 28075

[In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item C for the names, positions and places of employment of any additional Defendants.]

B. Name of Defendant: 1) Robert D. Preston HSA, is employed
as Medical Director whiteville Correctional Facility
at 1440 Union Springs Road
whiteville, TN. 38075

Name(s) of additional Defendants: _____

2) Melissa Breitling (Doctor) address same as above
3) Tracey Howell (Medical staff) address same as above
C.C.A. Correction Corporation of America
10 Burton Hills Blvd. Nashville, TN. 37215

IV. STATEMENT OF CLAIM:

[State here as briefly as possible the facts of your case. Describe how each Defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach additional sheets if needed.]

1. Plaintiff was and is being treated with Cruel and unusual punishment and suffers deprivation of adequate medical care by defendants ①, ②, + ③.
As to the subjective portion of the plaintiff's rights, defendants ① ② + ③
named in this complaint was deliberately indifferent to the plaintiff's
serious medical needs, in that said, defendants ① ② + ③ consciously
or recklessly contributed to, or had knowledge of the plaintiff's harm-
ful condition and did little to nothing to correct it. This resulted in the
actual and / or potential serious harm to the plaintiff. Such as the
bacterium E-COLI poisoning, which put plaintiff in fear for his life.
Defendants ① ② + ③ acted under color of state or federal law in the
course of their official capacity or employment. Defendants ① ② + ③

cont. 4a
ON
4a

B. Name of Defendant: _____, is employed as _____ at _____
Name(s) of additional Defendants: _____

IV. STATEMENT OF CLAIM:

[State here as briefly as possible the facts of your case. Describe how each Defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach additional sheets if needed.]

4a

Supervisors are liable under the theory of "Respondeat Superior" in that the named supervisors were either aware of the unlawful conduct of subordinates and failed to correct it, or the training of subordinates was so inadequate that it resulted in the deliberate indifference of the plaintiff's constitutional rights. Defendants ①② + ③ are being sued in their individual or personal capacities for monetary damages from their personal assets. Please see General Allegations Part A thru F and hand written notes pertaining to defendants ①② + ③.

2. Defendant C.C.A. (Correctional Corporation of America) is being sued for violation of, and charged with the denial of adequate medical procedures in compliance with the requirements of the United States Constitution. ^{4a}

V. RELIEF

[State briefly EXACTLY what you want the Court to do for you.] Make no legal arguments.

Cite no statutes.]

Defendant #① Robert D. Preston HSA of Whiteville Correctional Facility 1440 Union Springs Road Whiteville, Tn. 38075 is being sued for the monetary damages of ONE MILLION Dollars

Defendant #② Melissa Breitling (Doctor) of same address is being sued for the monetary damages of ONE MILLION Dollars

Defendant #③ Tracey Howell (medical staff) of same address is being sued for the monetary damages of ONE MILLION Dollars

Defendant C.C.A. (Correctional Corporation of America) of 10 Burton Hills Blvd. Nashville, Tn. 37215 is being sued for the monetary damages of Twenty Five Million Dollars. Each defendant contributed to Mr. Murley's pain, suffering and emotional distress.

Signed on this 9th day of JULY, 20 11.

Timothy w Murley

Plaintiff

I declare under penalty of perjury that the foregoing is true and exact, to the best of my knowledge, information and belief.

9th JULY 2011
Date

Timothy w Murley
Plaintiff

Inmate Name: _____

TDOC#: _____

CERTIFICATE OF PRISON OFFICIAL

I hereby certify that the affiant has the sum of \$ _____ on account to his credit at the Whiteville Correctional Facility, where he is confined. I further certify the affiant's average monthly deposits to his prison trust fund account, for the past six (6) month period immediately preceding the filing of this Affidavit, are \$ _____.

(Official's Signature)

Date:

SWORN AND SUBSCRIBED before me this _____ day of _____, 20____

Notary Public

My Commission expires